



## MEMORANDUM

Agenda Item No. 7(M)(1)(B)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners

DATE: September 23, 2003

FROM: George M. Burgess  
County Manager

SUBJECT: Settlement Agreement With  
Nobel Insurance Company for  
the Charles Deering New  
Construction Project Number  
96013

The attached Settlement Agreement in lieu of litigation with Nobel Insurance Company (Surety) for the Charles Deering Estate New Construction Project has been prepared by the Park and Recreation Department and is recommended for approval. This project was completed by the Surety for Miami-Dade County after the original contractor, D.M. Construction of South Florida, Inc., defaulted.

**PROJECT:** Charles Deering Estate New Construction

**PROJECT NO.:** 96013

**PROJECT LOCATION:** 16701 SW 72 Avenue, Miami, FL.

**PROJECT DESCRIPTION:** This project consists of an environmental education/visitors center and an environmental/demonstration maintenance center. Each one-story concrete block structure is approximately 8,500 square feet. The education/visitors center includes office space for visitor information, park rangers and ticket sales. It also includes restrooms, an auditorium and gallery space. The demonstration/maintenance center includes offices, workshops, restroom facilities, two open-air lab pavilions and storage sheds.

**PRIME CONTRACTOR:** D.M. Construction of South Florida, Inc. defaulted and the Nobel Insurance Company (Surety) completed the project, using Kalex Construction & Development, Inc.

**COMPANY PRINCIPAL(S):** Alex Gonzalez, Jorge F. Diaz

**GENDER AND ETHNICITY OF PRINCIPALS:** Male, Hispanic

**COMPANY QUALIFIER(S):** Alex Gonzalez

<b>LOCATION OF COMPANY:</b>	12915 SW 132 Avenue, Miami FL, 33186
<b>YEARS IN BUSINESS:</b>	14 years
<b>CSBE MEASURE AT AWARD:</b>	This project was awarded on May 6, 1997 during a construction moratorium before the Certified Small Business Enterprise Program was implemented; therefore no Minority Business Enterprise or Community Small Business Enterprise contract measures were established for this project.
<b>CONTRACTS WITH THE COUNTY:</b>	None
<b>ORIGINAL CONTRACT AMOUNT:</b>	\$ 2,493,000
<b>CHANGE ORDER(S):</b>	<ul style="list-style-type: none"><li>• Change Order No. One (1) extended the contract time seventy-five (75) calendar days from June 6, 1998 to August 20, 1998.</li><li>• Change Order No. Two (2) extended the contract time forty-seven (47) calendar days from August 20, 1998 to October 6, 1998.</li></ul>
<b>TOTAL CONTRACT AMOUNT:</b>	\$ 2,493,000
<b>LIQUIDATED DAMAGES ASSESSED:</b>	(\$ 56,500)
<b>ADJUSTED CONTRACT AMOUNT:</b>	\$ 2,436,500
<b>AMOUNT REQUESTED BY CONTRACTOR:</b>	\$ 927,457.29
<b>AMOUNT RECOMMENDED FOR SETTLEMENT:</b>	\$ 775,000

**SETTLEMENT AGREEMENT:**

On May 6, 1997, the County contracted with D.M. Construction of South Florida, Inc. (D.M.) for the construction of the Charles Deering Estate visitors' center and maintenance center in the amount of \$ 2,493,000. In early 1999, D.M. defaulted and the Surety took over the project.

Under this recommended settlement agreement, the County would agree that the amount due to the Surety for its work on the project would be increased by a final adjustment to the original contract amount of \$405,745.60 aggregate for change order work performed, interest on late payments and delay damages. This would effectively increase the overall contract amount to \$2,898,745.60.

The Surety is seeking damages of \$927,457 including the release of retainage, payment for contract work performed, payment for unpaid change order work performed, interest on late payments and delay damages; however, the County has negotiated a final settlement of \$775,000 which the Surety will accept as full and final settlement of all pending claims in lieu of litigation as describe below:

\$235,971.74 – Retainage being withheld for work performed  
133,282.66 – Contract work performed  
405,745.60 – Outstanding claim settlement  
\$775,000.00

The amount paid in this settlement shall be reduced by \$25,783, which is owed by the Surety to Miami-Dade County's Department of Business Development (DBD). Said amount shall be paid to DBD for unsettled claims relating to non-compliance under Miami Dade County Ordinance 90-143, The Responsible Wage and Benefits Ordinance assigned to the original contractor upon execution of this change order.

Additionally, it is recommended that the County accept a hold harmless provision in lieu of all contractual insurance requirements which shall indemnify and hold harmless Miami-Dade County and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorney's fees and costs of defense which the County or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the lapse of insurance, if any, of the original contractor, D.M. Construction of South Florida,

Inc. in the project.

**JUSTIFICATION FOR CHANGE  
ORDER:**

The purpose of the settlement agreement is to conclude ongoing negotiations and prevent litigation. This agreement was reached as a result of lengthy negotiations between the County and the Surety in connection with payment for unpaid change order work performed, release of liquidated damages, and delay claims associated with the construction of this project. This settlement agreement will fulfill the negotiated settlement terms which Nobel Insurance Company will accept as full and final settlement of all claims pending.

**PERCENTAGE OF INCREASE TO  
ORIGINAL CONTRACT WITH THIS  
SETTLEMENT AGREEMENT:**

16.3 %

**USING AGENCY:**

Park and Recreation Department

**MANAGING AGENCY:**

Park and Recreation Department

**FUNDING SOURCES:**

Safe Neighborhood Parks Bonds Program  
Department of Environmental Protection Grants  
Florida Inland Navigation District Grant  
South Florida Water Management District Grant  
CORF

**APPROVED AS TO LEGAL  
SUFFICIENCY:**

Yes



Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

**DATE:** September 23, 2003

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No.7 (M) (1) (B)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☒ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(M)(1)(B)  
9-23-03

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING EXECUTION OF A  
SETTLEMENT AGREEMENT WITH THE NOBEL  
INSURANCE COMPANY FOR WORK PERFORMED  
IN CONNECTION WITH THE CONSTRUCTION OF  
THE CHARLES DEERING ESTATE NEW  
CONSTRUCTION, PROJECT NUMBER 96013

WHEREAS, this Board desires to accomplish the purposes outlined in the  
accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY  
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves  
a Settlement Agreement, in lieu of litigation, between Miami-Dade County and the Nobel  
Insurance Company, for work performed in connection with the Charles Deering Estate  
New Construction, Project Number 96013 and accepts a hold harmless provision in lieu  
of contractual insurance requirements substantially in accordance with the forms attached  
hereto and made part hereof; and authorizes the County Manager to execute same for and  
on behalf of Miami-Dade County.

The foregoing resolution was offered by Commissioner \_\_\_\_\_,  
who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_,  
and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson

Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro

Betty T. Ferguson

Joe A. Martinez

Dennis C. Moss

Natacha Seijas

Sen. Javier D. Souto

Jose "Pepe" Diaz

Sally A. Heyman

Jimmy L. Morales

Dorrian D. Rolle

Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of September, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as  
to form and legal sufficiency.



By: \_\_\_\_\_  
Deputy Clerk

Mariela Martinez-Cid

**AGREEMENT FOR FINAL SETTLEMENT, GENERAL RELEASE OF CLAIMS  
BETWEEN MIAMI-DADE COUNTY AND THE NOBEL INSURANCE  
COMPANY**

In connection with Miami-Dade County Department of Park and Recreation Project No. 96013:

This Agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2003 between Miami-Dade County, a political subdivision of the State of Florida ("County"), and Nobel Insurance Company ("Surety") as follows:

**WHEREAS** on May 6, 1997, the County contracted with D.M. Construction of South Florida, Inc. for the construction of the Visitors' Center and Maintenance Center at the Charles Deering Estate, P&R Project No. 96013 ("Project") in the aggregate amount of \$2,493,000; and

**WHEREAS** the original contract allowed 365 days for the completion of construction; and

**WHEREAS** the County previously modified the contract terms by processing two change orders, which extended the contract performance time; and

**WHEREAS** the County previously paid \$2,067,245.61 to D.M. Construction of South Florida, Inc. and the Surety on account of work performed on the Project including monies withheld as liquidated damages and contractual retainage; and

**WHEREAS** the Surety is seeking payment due for including but not limited to the release of liquidated damages, payment for unpaid change order work performed, and delay damages; and

**WHEREAS** the County and the Surety have negotiated and determined to settle between them under the terms of this Agreement, accordingly the parties agree as follows:

1. County agrees that the amount due to the Surety for its work on the Project will be increased by a final adjustment to the contract amount of \$405,745.60 aggregate and the total amount to be paid to the Surety pursuant to this Agreement totals \$775,000.



2. Surety agrees that its final payment of \$775,000 will be reduced by \$25,783, which is owed by the Surety to Miami-Dade County's Department of Business Development ("DBD"). Said amount shall be paid to DBD for unsettled claims relating to non-compliance under Miami-Dade County Ordinance 90-143, the Responsible Wage and Benefits Ordinance assigned to the original contract upon execution of this Agreement.

3. Surety expressly agrees that the payment under this Settlement Agreement is full and complete satisfaction of any and all claims for extra costs or additional time the contractor has or may have for acts or omissions from the inception of this project to the date of execution of this Settlement Agreement by the Surety. The Surety waives and releases the County of liability for any and all claims it presently has or may discover it has against the County and its officers and employees for any direct costs, damages, and liabilities resulting from changes to the work or additional work performed by the Contractor up to and including the date of this Settlement Agreement. The Surety agrees to indemnify, defend, and hold harmless the County from any and all claims its subcontractors have or may have against the County for delays, damages, or additional compensation for work and materials supplied to the project up to and including the date of this Settlement Agreement.

4. In consideration of the payment by the County to the Surety of the final adjusted contract balance of \$749,217, the Surety agrees to indemnify and hold harmless the County, its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorney's fees and costs of defense which the County or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the lapse of insurance, if any, of the original contractor, DM Construction of South Florida, Inc. on the project.

The Surety acknowledges that it has read this Agreement, understands it, and has consulted with their attorney before executing this document.

The parties accept the terms of this Agreement, and have agreed to its terms solely for their own convenience.

ATTEST:

MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
County Manager

Date: \_\_\_\_\_  
Date

Date: \_\_\_\_\_  
Date

NOBEL INSURANCE COMPANY

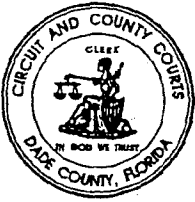
By: \_\_\_\_\_

Date: \_\_\_\_\_  
Date

Approved by County Attorney as  
to form and legal sufficiency.

\_\_\_\_\_  
Assistant County Attorney

**Harvey Ruvin**  
CLERK OF THE CIRCUIT AND COUNTY COURTS  
Dade County, Florida



HARVEY RUVIN  
Clerk

CLERK OF THE BOARD OF COUNTY COMMISSIONERS  
STEPHEN P. CLARK METRO-DADE GOVERNMENT CENTER

SUITE 17-202  
111 N.W. 1st Street  
Miami, Florida 33128-1983  
Telephone: (305) 375-5126

October 5, 1998

D.M. Construction of So. FL, Inc.  
9300 So. Dadeland Blvd., #410  
Miami, FL 3333156

Dear Sir/Madam:

Enclosed herewith are two (2) fully executed copies of Change Order Number 2, to the contract between Metropolitan Dade County and your firm covering the following:

Project No. P&R 96013  
Charles Deering Estate  
New Construction

Please see that (one) copy of this Change Order is delivery to your bonding company.

This Change Order was approved by the Board of County Commissioners at its meeting of September 15, 1998.

Very truly yours,

HARVEY RUVIN, Clerk

By: 

Kay Sullivan

KS:ea  
Enclosures

cc: Park & Recreation ✓  
Finance

Central Depository • Civil Division • Clerk of the Board • Comptroller/Auditor • Criminal Division  
District Courts Division • Family Division • Juvenile Division • Marriage License • Parking Violations  
County Recorder • Records/Archives Management • Technical Services Division • Traffic Division

DOCUMENT 01028-CO  
METROPOLITAN DADE COUNTY  
CHANGE ORDER TO THE ORIGINAL CONTRACT

CHANGE ORDER NO. Two (2) PROJECT NO. P & R 96013 DATE: \_\_\_\_\_  
PROJECT TITLE: Charles Deering Estate New Construction  
TO CONTRACTOR: D.M. Construction of South Florida, Inc.  
ADDRESS: 9300 S. Dadeland Blvd. #410

YOU ARE HEREBY REQUESTED TO MAKE THE CHANGES DESCRIBED ON THE DOCUMENT(S) ATTACHED HERETO, TO THE PLANS AND SPECIFICATIONS FOR THIS PROJECT AND TO PERFORM THE WORK ACCORDINGLY, SUBJECT TO ALL CONTRACT STIPULATIONS AND COVENANTS.

The Contractor expressly agrees that this Change Order to the Contract is full and complete satisfaction of any and all claims for extra costs or additional time the contractor has or may have for acts or omissions from the inception of this project to the date of execution of this Change Order by the Contractor. The Contractor waives and releases the County of liability for any and all claims it presently has or may discover it has against the County and its officers and employees for any costs, damages, and liabilities resulting from changes to the work or additional work performed by the Contractor up to and including the date of this Change Order. The Contractor agrees to indemnify, defend and hold harmless Dade County from any and all claims its subcontractors have or may have against the County for delays, damages or additional compensation for work and materials supplied to the project up to and including the date of this Change Order.

SUMMARY OF CONTRACT AMOUNT

ORIGINAL CONTRACT AMOUNT	\$2,493,000.00
COST OF CONSTRUCTION CHANGES PREVIOUSLY ORDERED	0
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE ORDER	\$2,493,000.00
COST OF CONSTRUCTION CHANGES THIS ORDER	0
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER	\$2,493,000.00
PERCENT INCREASE THIS CHANGE ORDER <u>0</u> %	
TOTAL PERCENT INCREASE TO DATE <u>0</u> %	
EXTENSION OF THE CONTRACT TIME ALLOWED BY THIS CHANGE <u>47</u> CALENDAR DAYS TO <u>October 6, 1998</u>	

**APPROVED**  
**SEP 15 1998**

BOARD OF COUNTY COMMISSIONERS

CERTIFYING STATEMENT: I hereby certify that the supporting cost data included is, in my considered opinion, accurate; that the prices quoted are fair and reasonable and in proper ratio to the cost of the original work contracted for under benefit of competitive bidding; and that the time extension or compensation for time being granted is applicable as reasonable, accurate and in keeping with the actual progress of the work.

SIGNATURE CONSULTING ARCHITECT OR ENGINEER

PARK AND RECREATION

TO BE FILLED OUT BY DEPARTMENT INITIATING CHANGE ORDER  
FIND PRE130935106 Bond CPE352935006  
DEP Grants (2) PRE13093501 & 211  
SFWM PRE130935150

CERTIFIED BY

ACCEPTED BY \_\_\_\_\_ Date \_\_\_\_\_

CONTRACTOR

Date

APPROVED: \_\_\_\_\_

BUDGET DIRECTOR

APPROVED FOR LEGAL SUFFICIENCY: \_\_\_\_\_

COUNTY ATTORNEY'S OFFICE

RECOMMENDED: \_\_\_\_\_

PROJECT MANAGER

APPROVED: \_\_\_\_\_

CHIEF ARCHITECT OR ENGINEER

APPROVED: \_\_\_\_\_

DEPARTMENTAL DIRECTOR

APPROVED: \_\_\_\_\_

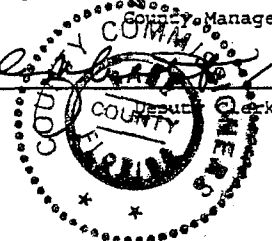
DBD DIRECTOR

By: \_\_\_\_\_

County Manager

ATTEST: \_\_\_\_\_

By: \_\_\_\_\_



**MIAMI-DADE COUNTY  
CHANGE ORDER TO THE ORIGINAL CONTRACT**

ATTACHMENT TO:

CHANGE ORDER NO. Two PROJECT NO. P&R 96013 DATE:                     

PROJECT TITLE: Charles Deering Estate New Construction

**RECOMMENDATION:**

item no. / description	Amount
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2.01 A forty seven (47) calendar day contract time extension is required for excusable delays as follows:	\$0.00
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**JUSTIFICATION:**

item no. / description
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2.01 When the roofing subcontractor went to pull his permit, he found out that the roofing materials manufacturer's product approval had expired. Upon retesting, the manufacturer was required to have a structural engineer modify his calculations to provide additional uplift strength. A time extension of forty five (45) days has already been granted due to this delay. It was believed that would be sufficient time for the modifications to be approved, but the process took considerably longer than anticipated. (See chronology of events, Attachment "A")
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# NOBEL INSURANCE COMPANY

656784

## GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, That NOBEL INSURANCE COMPANY has made, constituted and appointed, and by these presents does make, constitute and appoint

its true and lawful attorney-in-fact, for it and in its name, place, and stead to execute on behalf of the said Company, as surety, bonds, undertakings and contracts of suretyship to be given to

### ALL OBLIGEEES

provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of

\*\*\*\*\*Five million dollars (\$5,000,000)\*\*\*\*\*

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company on the 24th day of August, 1995.

"RESOLVED, that the Chairman of the Board, the Vice Chairman of the Board, the President, an Executive Vice President or a Senior Vice President or a Vice President of the Company, be, and that each or any of them is, authorized to execute Powers of Attorney qualifying the attorney-in-fact named in the given Power of Attorney to execute in behalf of the Company, bonds, undertakings and all contracts of suretyship; and that an Assistant Vice President, a Secretary or an Assistant Secretary be, and that each or any of them hereby is, authorized to attest the execution of any such Power of Attorney, and to attach thereto the seal of the Company.

FURTHER RESOLVED, that the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached."

In Witness Whereof, NOBEL INSURANCE COMPANY has caused its official seal to be hereunto affixed, and these presents to be signed by one of its Vice Presidents and attested by one of its Assistant Vice Presidents this 1st day of October, 1995.

Attest:

NOBEL INSURANCE COMPANY

By

*William Osceola Gordon*

William Osceola Gordon, Assistant Vice President



*Emil B. Askew*

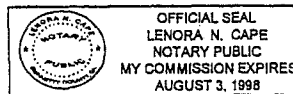
Emil B. Askew, Vice President

STATE OF GEORGIA

SS:

COUNTY OF DEKALB

On this 1st day of October, 1995, before me personally came Emil B. Askew, to me known, who being by me duly sworn did depose and say that he is a Vice President of NOBEL INSURANCE COMPANY, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.



*Lenora N. Cape*

Lenora N. Cape

NOTARY PUBLIC

My Commission Expires August 3, 1998

### CERTIFICATE

I, the undersigned, an Assistant Secretary of NOBEL INSURANCE COMPANY, a Texas corporation, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney, is now in force.

Signed and sealed at the city of Atlanta in the State of Georgia. Dated the 6th day of August, 1998.



*Charles B. Cape*

Charles B. Cape, Assistant Secretary

Chronology of Events  
Justification For Time Extension  
D.M. Construction of South Florida  
Change Order To The Original Contract  
Change Order No. 2

February 27, 1998

All work halted on the roof as a direct result of a roof design system that no longer met product approval and had to be redesigned to comply with the current requirements of the South Florida Building Code.

March 2, 1998

Engineering consultant provided possible solutions to rectify the roof problem.

March 19, 1998

Contractor presented to Miami-Dade DPDR the revised roof drawings provided by Fullerton Diaz Architects.

May 7, 1998

Miami-Dade DPDR rejected the permit application, requesting Fullerton Diaz Architects provide additional information.

June 2, 1998

Murton Roofing provided Miami-Dade DPDR with support documentation requested on May 7, 1998

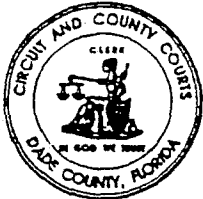
June 18, 1998

Miami-Dade DPDR issued required roofing permit

June 23, 1998

Murton Roofing began installation of roofing system.

Attachment "A"



HARVEY RUVIN  
Clerk

**Harvey Ruvin**  
CLERK OF THE CIRCUIT AND COUNTY COURTS  
Dade County, Florida

CLERK OF THE BOARD OF COUNTY COMMISSIONERS  
STEPHEN P. CLARK METRO-DADE GOVERNMENT CENTER  
SUITE 17-202  
111 N.W. 1st Street  
Miami, Florida 33128-1983  
Telephone: ( 305 ) 375-5126

June 22, 1998

D.M. Construction of South Florida, Inc.  
16701 SW 72nd Avenue  
Miami, FL 33157

Dear Sir/Madam:

Enclosed herewith are two (2) fully executed copies of Change Order Number 1, to the contract between Metropolitan Dade County and your firm covering the following:

Project No. P&R 96013  
Charles Deering Estate  
New Construction

Please see that (one) copy of this Change Order is delivery to your bonding company.

This Change Order was approved by the Board of County Commissioners at its meeting of June 2, 1998.

Very truly yours,

HARVEY RUVIN, Clerk

*Kay Sullivan*

By: \_\_\_\_\_  
Kay Sullivan

KS:ea  
Enclosures

cc: Park and Recreation ✓  
Finance





**MIAMI-DADE COUNTY  
CHANGE ORDER TO THE ORIGINAL CONTRACT**

ATTACHMENT TO:

CHANGE ORDER NO. One PROJECT NO. P&R 96013 DATE:                     

PROJECT TITLE: Charles Deering Estate New Construction

JUSTIFICATION:  
item no. / description

/ Amount

1. A thirty (30) calendar day contract time extension is requested for changes caused by the Owner and County as follows:

\$0.00

The Notice to Proceed was dated June 6, 1997, and a building permit was not obtained until July 3, 1997. Work actually commenced on July 7, 1997.

2. A forty five (45) calendar day contract time extension is required for excusable delays as follows:

\$0.00

When the roofing subcontractor went to pull his permit, he found out that the roofing materials manufacturer's product approval had expired. Upon retesting, the manufacturer was required to have a structural engineer modify his calculations to provide additional uplift strength.

**METROPOLITAN DADE COUNTY  
CHANGE ORDER TO THE ORIGINAL CONTRACT**

CHANGE ORDER NO. One (1) PROJECT NO. P&R 96013 DATE: 4/20/98

PROJECT TITLE: Charles Deering Estate New Construction

TO CONTRACTOR: D.M. Construction of South Florida, Inc.

ADDRESS: 16701 S.W. 72 Avenue Miami, Florida 33157

YOU ARE HEREBY REQUESTED TO MAKE THE CHANGES DESCRIBED ON THE DOCUMENT(S) ATTACHED HERETO, TO THE PLANS AND SPECIFICATIONS FOR THIS PROJECT AND TO PERFORM THE WORK ACCORDINGLY, SUBJECT TO ALL CONTRACT STIPULATIONS AND COVENANTS.

The Contractor expressly agrees that this Change Order to the Contract is full and complete satisfaction of any and all claims for extra costs or additional time the contractor has or may have from the inception of this project to the date of execution of this Change Order by the Contractor. The Contractor waives and releases the County of liability for any and all claims it presently has or may discover it has against the County and its officers and employees for any direct costs, damages, and liabilities resulting from changes to the work or additional work performed by the Contractor up to and including the date of this Change Order. The Contractor agrees to indemnify, defend and hold harmless Dade County from any and all claims its subcontractors have or may have against the County for delays, damages or additional compensation for work and materials supplied to the project up to and including the date of this Change Order.

**SUMMARY OF CONTRACT AMOUNT**

ORIGINAL CONTRACT AMOUNT	\$2,493,000.00	<b>APPROVED</b> <b>JUN 02 1998</b> BOARD OF COUNTY COMMISSIONER
COST OF CONSTRUCTION CHANGES PREVIOUSLY ORDERED	0	
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE ORDER	\$2,493,000.00	
COST OF CONSTRUCTION CHANGES THIS ORDER	0	
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER	\$2,493,000.00	
PERCENT INCREASE THIS CHANGE ORDER	0 %	
TOTAL PERCENT INCREASE TO DATE	0 %	
EXTENSION OF THE CONTRACT TIME ALLOWED BY THIS CHANGE	75 CALENDAR DAYS TO August 20, 1998	

CERTIFYING STATEMENT: I hereby certify that the supporting cost data included is, in my considered opinion, accurate; that the prices quoted are fair and reasonable and in proper ratio to the cost of the original work contracted for under benefit of competitive bidding; and that the time extension or compensation for time being granted, if applicable, is reasonable, accurate and in keeping with the actual progress of the work.

SIGNATURE CONSULTING ARCHITECT OR ENGINEER

TO BE FILLED OUT BY DEPARTMENT INITIATING CHANGE ORDER

Park & Recreation FIND PRE130935106 Bond CPE352935000  
DEPT Grants (2) PRE130935501 & 211  
DEPARTMENT FUNDS BUDGETED CODE SEE PRE130935150

CERTIFIED BY

ACCEPTED BY: [Signature] Date: 4/20/98 APPROVED: [Signature]  
CONTRACTOR BUDGET DIRECTOR  
APPROVED FOR LEGAL SUFFICIENCY: [Signature]  
COUNTY ATTORNEY'S OFFICE

SURETY  
RECOMMENDED: [Signature]  
PROJECT MANAGER

DADE COUNTY, Florida  
By its BOARD OF COUNTY COMMISSIONERS  
By: [Signature] County Manager

APPROVED: [Signature] 5/4/98  
CHIEF ARCHITECT OR ENGINEER

ATTEST: [Signature]  
By: Deputy Clerk

APPROVED: [Signature]  
DEPARTMENTAL DIRECTOR

Prepare in Sets. (6 copies). Retain gold copy. Forward all other copies to Budget Department. Upon approval, Budget will forward all copies to the County Manager. County Manager will forward all copies to Clerk of the Board. Clerk of the Board will make final distribution.

APPROVED: [Signature]  
DEB DIRECTOR

ALL COPIES MUST BE SIGNED

## GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, That NOBEL INSURANCE COMPANY has made, constituted and appointed, and by these presents does make, constitute and appoint

Linda F. Burton, Martin A. Prisant, Michael H. Burton, Otto V. Latimer or Shawn Burton

its true and lawful attorney-in-fact, for it and in its name, place, and stead to execute on behalf of the said Company, as surety, bonds, undertakings and contracts of suretyship to be given to

## ALL OBLIGEEES

provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of

\*\*\*\*\*Five million dollars (\$5,000,000)\*\*\*\*\*

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company on the 24th day of August, 1995.

"RESOLVED, that the Chairman of the Board, the Vice Chairman of the Board, the President, an Executive Vice President or a Senior Vice President or a Vice President of the Company, be, and that each or any of them is, authorized to execute Powers of Attorney qualifying the attorney-in-fact named in the given Power of Attorney to execute in behalf of the Company, bonds, undertakings and all contracts of suretyship; and that an Assistant Vice President, a Secretary or an Assistant Secretary be, and that each or any of them hereby is, authorized to attest the execution of any such Power of Attorney, and to attach thereto the seal of the Company.

FURTHER RESOLVED, that the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached."

In Witness Whereof, NOBEL INSURANCE COMPANY has caused its official seal to be hereunto affixed, and these presents to be signed by one of its Vice Presidents and attested by one of its Assistant Vice Presidents this 1st day of October, 1995.

Attest:

NOBEL INSURANCE COMPANY

By

*William Osceola Gordon*

William Osceola Gordon, Assistant Vice President



*Emil B. Askew*

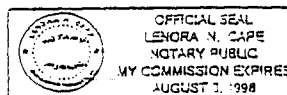
Emil B. Askew, Vice President

STATE OF GEORGIA

SS:

COUNTY OF DEKALB

On this 1st day of October, 1995, before me personally came Emil B. Askew, to me known, who being by me duly sworn did depose and say that he is a Vice President of NOBEL INSURANCE COMPANY, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.



*Lenora N. Cape*

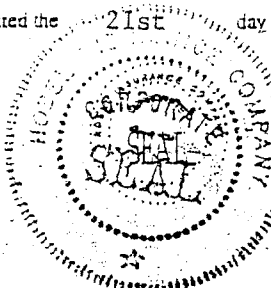
Lenora N. Cape  
NOTARY PUBLIC

My Commission Expires August 3, 1998

## CERTIFICATE

I, the undersigned, an Assistant Secretary of NOBEL INSURANCE COMPANY, a Texas corporation, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney, is now in force.

Signed and sealed at the city of Atlanta in the State of Georgia. Dated the 21st day of April, 1998



*Charles B. Cape*

Charles B. Cape, Assistant Secretary

STATE OF FLORIDA     )  
                              )   SS:  
COUNTY OF DADE       )

I, HARVEY RUVIN, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy Agenda Item No. 7(F)(2)(D) Bid Award, approved by the Board of County Commissioners on May 6, 1998.

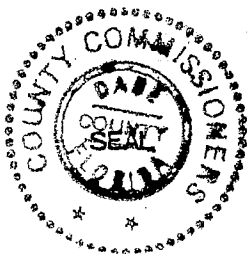
\_\_\_\_\_ as appears of record.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 19th day of May, A.D. 19 97.

HARVEY RUVIN, Clerk  
Board of County Commissioners  
Dade County, Florida

By

*Elizabeth Adurr*  
Deputy Clerk



Board of County Commissioners  
Dade County, Florida

PRELIMINARY DRAFT

Board of County Commissioners

Meeting Minutes

Tuesday, May 6, 1997

7F2B

971448 Bid Awards

BID AWARD RECOMMENDATIONS FOR COMMODITIES  
AND SERVICES (General Services Administration Department)

*Approved*

*Mover: Javier D. Souto*

*Seconder: Dennis C. Moss*

*Vote: 7- 0*

*Absent: Burke, Carey, Kaplan,*

*Reboredo, Diaz de la Portilla,*

*Millan*

4/29/97 Forwarded without a recommendation due to lack of quorum by the Policy Formulation and  
Internal Support Committee

7F2C

971319 Bid Awards

A.D.A. (AMERICANS WITH DISABILITIES ACT)  
IMPROVEMENTS - PACKAGE F, PROJECT NO. 610150  
(Public Works Department)

*Approved*

*Mover: Javier D. Souto*

*Seconder: Dennis C. Moss*

*Vote: 7- 0*

*Absent: Burke, Carey, Kaplan,*

*Reboredo, Diaz de la Portilla,*

*Millan*

6/1/97 Forwarded by the Infrastructure Environment & Development Committee  
There being no objection, the foregoing item was forwarded by the Committee to the Board of  
County Commissioners.

7F2D

971008 Bid Awards

CHARLES DEERING ESTATE, NEW CONSTRUCTION, 16701  
SW 72ND AVENUE, PROJECT NO. 96013 (Park & Recreation  
Department)

*Approved*

*Mayer: Javier D. Souto*

*Seconder: Dennis C. Moss*

*Vote: 7- 0*

*Absent: Burke, Carey, Kaplan,*

*Reboredo, Diaz de la Portilla,*

*Millan*

4/22/97 Forwarded with a favorable recommendation by the Tourism, Recreation and Culture  
Committee

AUTHORIZATION TO OCCUPY THE PROJECT SITE

Date: 6/30/97

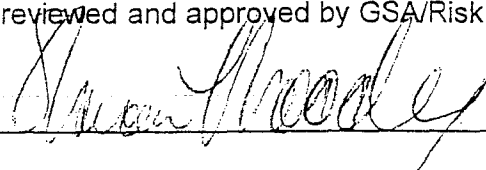
Project Number: P & R 96013  
Project Name: Charles Deering Estate - New Construction

To: D. M. Construction of South Florida, Inc

Address: 7800 Red Road, Suite 207 E City: Miami

State: Florida Zip Code: 33143

**SUBMITTALS APPROVAL:** Your insurance and bonding submittals for the subject project have been reviewed and approved by GSA/Risk Management Division.

Approved:  Date: 6/26/97

Sharon Moodley,  
Risk Management Specialist  
GSA/Risk Management Division

**AUTHORIZATION TO OCCUPY THE SITE:** You may occupy the project site as of 6/30/97, and proceed with the work. Your contract completion date is as stated in your NOTICE OF AWARD OF CONTRACT.

Submitted:  Date: 6/27/97

Project Manager Rep.

Approved:  Date: 6/30/97

Deputy Director  
Park and Recreation Department

Distribution:

Original: Contractor

cc: Contractor's Surety  
Consultant  
Park and Recreation Project Manager  
GSA/Risk Management Division  
Audit and Management Services

DOCUMENT 00840-AN  
NOTICE OF AWARD OF CONTRACT

Date: 5/15/97

Project Number: P & R 96013  
Project Name: Charles Deering Estate - New Construction

To: D.M. Construction of South Florida, Inc.  
Address: 7800 Red Road, Suite 207 E, Miami, FL 33143

A contract for this project was awarded to your firm by the county and became effective on May 16, 1997, for a Total Contract Amount of \$ 2,493,000.00, consisting of the Base Bid (including allowances) and Bid Alternate No(s). N/A.

As stated in the Contract Documents the Contract Time will begin 21 calendar days following the effective date of this Contract, that is June 6, 1997 and is required to be finished in 365 calendar days. Therefore, work must be substantially complete in accordance with the Contract Documents on or before June 6, 1998.

**AUTHORIZATION TO OCCUPY THE SITE**

Prior to occupying the project site you must execute two copies each of the enclosed Performance and Payment Bonds and Corporate Principal Certification, and submit the to the Project Manager for transmittal to GSA Risk Management Division, together with your Surety's Power of Attorney and required insurance submittals as specified in the Contract Documents. If your submittals are acceptable, you will be issued an "Authorization to Occupy the Project Site." A time extension will not be granted for delays caused by your failure to satisfy these requirements.

As required by the Contract Documents, within five (5) weeks after Contract Award, the Contractor shall submit a Construction Progress Schedule and Schedule of Values.

Prepared by: \_\_\_\_\_

Michael Yaskin

Project Manager Rep.

Approved by: \_\_\_\_\_

Silvia Unzueta, Deputy Director

Park and Recreation Department

**Attachments:**

Surety Performance and Payment Bond (2)  
Corporate Principal Certification (2)

**Distribution:**

Original: D.M. Construction of South Florida, Inc., Contractor  
cc: Contractor's Surety  
Fullerton, Diaz Architects, Inc., Consultant  
Ivan Rodriguez, Director, Charles Deering Estate  
Audit and Management Services  
Finance ✓  
Art Coordinator  
G. A. Cutie, Director, Park and Recreation Department  
Department of Business Development



PARK &amp; RECREATION DEPARTMENT

Phone# 533-2008 Fax# 533-20  
175 N.W. 1st Avenue, Suite 2031, Miami, FL. 3312

## BID TABULATION

Project Name: Charles Deering EstateP&R PROJECT #: 96013New ConstructionBid Opening Date: March 5, 1997Consultant: Fullerton Diaz Architects, Inc.Bids Valid Thru: September 5, 1997

Building Size 17,234 SQ.FT.		Contractor's Name, Address & Telephone Number				
Last BCC Meeting Date Within The Bid Validity Period July 22, 1997		D.M. Construction of South Florida, Inc. 7800 Red Road, Miami, FL 33143 662-9368	Carivon Construction Company 12177 S.W. 131 Avenue Miami, FL 33186 232-9024	Cone Construction Inc. 6735 South Lois Ave. Tampa FL. 33616 582-2267	C.O.B.A.D. Construction Corporation 1301 West 68th Street Hialeah, FL 33014 558-9020	Vasallo Construction Inc. 61 Grand Canal Drive Miami, FL. 33144 266-7629
Agenda Deadline For The Above Meeting June 16, 1997		Latest Approved Cost Estimate Prior To Bidding				
Base Bid		\$3,142,000	\$2,493,000	\$2,940,000	\$3,064,000	\$3,127,000
Alt. #						
Alt. #						
Alt. #						
Alt. #						
Alt. #						
Alt. #						
Alt. #						
Alt. #						
Alt. #						
Alt. #						
Alt. #						

Prepared By: Ivan A. RodriguezName and Title: Ivan A. Rodriguez, Director

cc: .....



## BID TABULATION

Project Name: Charles Deering Estate

P&R PROJECT #: 96013

### New Construction

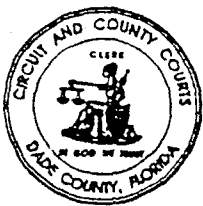
Bid Opening Date: March 5, 1997

Consultant: Fullerton Diaz Architects, Inc.

Bids Valid Thru: September 5, 1997

[illegible]

Prepared By: Ivan A. Rodriguez  
Name and Title: Ivan A. Rodriguez, Director



HARVEY RUVIN  
Clerk

**Harvey Ruvin**  
CLERK OF THE CIRCUIT AND COUNTY COURTS  
Dade County, Florida

CLERK OF THE BOARD OF COUNTY COMMISSIONERS  
STEPHEN P. CLARK METRO-DADE GOVERNMENT CENTER  
SUITE 17-202  
111 N.W. 1st Street  
Miami, Florida 33128-1983  
Telephone: ( 305 ) 375-5126

June 22, 1998

D.M. Construction of South Florida, Inc.  
16701 SW 72nd Avenue  
Miami, FL 33157

Dear Sir/Madam:

Enclosed herewith are two (2) fully executed copies of Change Order Number 1, to the contract between Metropolitan Dade County and your firm covering the following:

Project No. P&R 96013  
Charles Deering Estate  
New Construction

Please see that (one) copy of this Change Order is delivery to your bonding company.

This Change Order was approved by the Board of County Commissioners at its meeting of June 2, 1998.

Very truly yours,

HARVEY RUVIN, Clerk

*Kay Sullivan*

By:

Kay Sullivan

KS:ea  
Enclosures

cc: Park and Recreation ✓  
Finance

Administrative Services Division • Central Depository • Civil Division • Clerk of the Board • Comptroller/Auditor  
Criminal Division • District Courts Division • Family Division • Juvenile Division • Marriage License • Parking  
Violations • Recording • Records/Archives Management • Technical Services Division • Traffic Division

**MIAMI-DADE COUNTY  
CHANGE ORDER TO THE ORIGINAL CONTRACT**

ATTACHMENT TO:

CHANGE ORDER NO. One PROJECT NO. P&R 96013 DATE:           

PROJECT TITLE: Charles Deering Estate New Construction

**JUSTIFICATION:**

item no. / description

/ Amount

1. A thirty (30) calendar day contract time extension is requested for changes caused by the Owner and County as follows:

\$0.00

The Notice to Proceed was dated June 6, 1997, and a building permit was not obtained until July 3, 1997. Work actually commenced on July 7, 1997.

2. A forty five (45) calendar day contract time extension is required for excusable delays as follows:

\$0.00

When the roofing subcontractor went to pull his permit, he found out that the roofing materials manufacturer's product approval had expired. Upon retesting, the manufacturer was required to have a structural engineer modify his calculations to provide additional uplift strength.

**METROPOLITAN DADE COUNTY  
CHANGE ORDER TO THE ORIGINAL CONTRACT**

CHANGE ORDER NO. One (1) PROJECT NO. P&R 96013 DATE: 4/20/98  
PROJECT TITLE: Charles Deering Estate New Construction  
TO CONTRACTOR: D.M. Construction of South Florida, Inc.  
ADDRESS: 16701 S.W. 72 Avenue Miami, Florida 33157

YOU ARE HEREBY REQUESTED TO MAKE THE CHANGES DESCRIBED ON THE DOCUMENT(S) ATTACHED HERETO, TO THE PLANS AND SPECIFICATIONS FOR THIS PROJECT AND TO PERFORM THE WORK ACCORDINGLY, SUBJECT TO ALL CONTRACT STIPULATIONS AND COVENANTS.

The Contractor expressly agrees that this Change Order to the Contract is full and complete satisfaction of any and all claims for extra costs or additional time the contractor has or may have from the inception of this project to the date of execution of this Change Order by the Contractor. The Contractor waives and releases the County of liability for any and all claims it presently has or may discover it has against the County and its officers and employees for any direct costs, damages, and liabilities resulting from changes to the work or additional work performed by the Contractor up to and including the date of this Change Order. The Contractor agrees to indemnify, defend and hold harmless Dade County from any and all claims its subcontractors have or may have against the County for delays, damages or additional compensation for work and materials supplied to the project up to and including the date of this Change Order.

**SUMMARY OF CONTRACT AMOUNT**

ORIGINAL CONTRACT AMOUNT	<u>\$2,493,000.00</u>	<b>APPROVED</b> <b>JUN 02 1998</b> BOARD OF COUNTY COMMISSIONER
COST OF CONSTRUCTION CHANGES PREVIOUSLY ORDERED	<u>0</u>	
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE ORDER	<u>\$2,493,000.00</u>	
COST OF CONSTRUCTION CHANGES THIS ORDER	<u>0</u>	
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER	<u>\$2,493,000.00</u>	
PERCENT INCREASE THIS CHANGE ORDER	<u>0</u> %	
TOTAL PERCENT INCREASE TO DATE	<u>0</u> %	

EXTENSION OF THE CONTRACT TIME ALLOWED BY THIS CHANGE 75 CALENDAR DAYS TO August 20, 1998  
CERTIFYING STATEMENT: I hereby certify that the supporting cost data included is, in my considered opinion, accurate; that the prices quoted are fair and reasonable and in proper ratio to the cost of the original work contracted for under benefit of competitive bidding; and that the time extension or compensation for time being granted, if applicable, is reasonable, accurate and in keeping with the actual progress of the work.

SIGNATURE CONSULTING ARCHITECT OR ENGINEER

TO BE FILLED OUT BY DEPARTMENT INITIATING CHANGE ORDER

Park & Recreation  
DEPARTMENT  
FIND PRE130935106 Bond CPE352935006  
DEP Grants (2) PRE130935501 & 211  
FUNDS BUDGETED CODE  
SWM PRE130935150

CERTIFIED BY

ACCEPTED BY  
CONTRACTOR

Date

APPROVED: [Signature]  
BUDGET DIRECTOR

APPROVED FOR LEGAL SUFFICIENCY: [Signature]  
COUNTY ATTORNEY'S OFFICE

SURETY  
RECOMMENDED

PROJECT MANAGER

DADE COUNTY, Florida

By its BOARD OF COUNTY COMMISSIONERS

APPROVED: [Signature] 5/4/98  
CHIEF ARCHITECT OR ENGINEER

By: [Signature]  
County Manager

APPROVED: [Signature]  
DEPARTMENTAL DIRECTOR

ATTEST:  
By: [Signature]  
Deputy Clerk

Prepare in Sets. (6 copies). Retain gold copy. Forward all other copies to Budget Department. Upon approval, Budget will forward all copies to the County Manager. County Manager will forward all copies to Clerk of the Board. Clerk of the Board will make final distribution.

ALL COPIES MUST BE SIGNED

APPROVED: [Signature]  
DEB DIRECTOR

## GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, That NOBEL INSURANCE COMPANY has made, constituted and appointed, and by these presents does make, constitute and appoint

Linda F. Burton, Martin A. Prisant, Michael H. Burton, Otto V. Latimer or Shawn Burton

its true and lawful attorney-in-fact, for it and in its name, place, and stead to execute on behalf of the said Company, as surety, bonds, undertakings and contracts of suretyship to be given to

## ALL OBLIGEEES

provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of

\*\*\*\*\*Five million dollars (\$5,000,000)\*\*\*\*\*

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company on the 24th day of August, 1995.

"RESOLVED, that the Chairman of the Board, the Vice Chairman of the Board, the President, an Executive Vice President or a Senior Vice President or a Vice President of the Company, be, and that each or any of them is, authorized to execute Powers of Attorney qualifying the attorney-in-fact named in the given Power of Attorney to execute in behalf of the Company, bonds, undertakings and all contracts of suretyship; and that an Assistant Vice President, a Secretary or an Assistant Secretary be, and that each or any of them hereby is, authorized to attest the execution of any such Power of Attorney, and to attach thereto the seal of the Company.

FURTHER RESOLVED, that the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached."

In Witness Whereof, NOBEL INSURANCE COMPANY has caused its official seal to be hereunto affixed, and these presents to be signed by one of its Vice Presidents and attested by one of its Assistant Vice Presidents this 1st day of October, 1995.

Attest:

NOBEL INSURANCE COMPANY

By

*William Osceola Gordon*

William Osceola Gordon, Assistant Vice President



*Emil B. Askew*

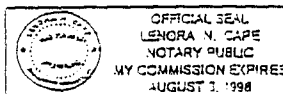
Emil B. Askew, Vice President

STATE OF GEORGIA

SS:

COUNTY OF DEKALB

On this 1st day of October, 1995, before me personally came Emil B. Askew, to me known, who being by me duly sworn did depose and say that he is a Vice President of NOBEL INSURANCE COMPANY, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.



*Lenora N. Cape*

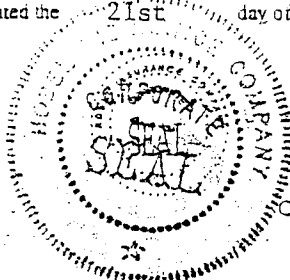
Lenora N. Cape  
NOTARY PUBLIC

My Commission Expires August 3, 1998

## CERTIFICATE

I, the undersigned, an Assistant Secretary of NOBEL INSURANCE COMPANY, a Texas corporation, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney, is now in force.

Signed and sealed at the city of Atlanta in the State of Georgia. Dated the 21st day of April, 1998.



*Charles B. Cape*

Charles B. Cape, Assistant Secretary

STATE OF FLORIDA )  
COUNTY OF DADE ) SS:

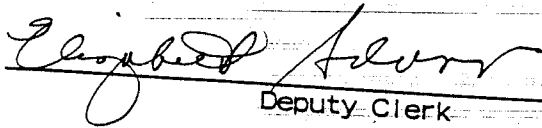
I, HARVEY RUVIN, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy Agenda Item No. 7(F)(2)(D) Bid Award, approved by the Board of County Commissioners on May 6, 1998.

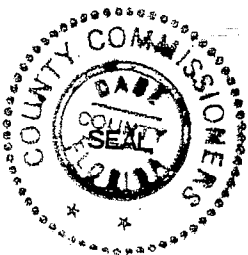
as appears of record.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 19th day of May, A.D. 19 97.

HARVEY RUVIN, Clerk  
Board of County Commissioners  
Dade County, Florida

By

  
Deputy Clerk



Board of County Commissioners  
Dade County, Florida

PRELIMINARY DRAFT

7F2B

971448 Bid Awards

BID AWARD RECOMMENDATIONS FOR COMMODITIES  
AND SERVICES (General Services Administration Department)

*Approved*

*Mover: Javier D. Souto*

*Seconder: Dennis C. Moss*

*Vote: 7- 0*

*Absent: Burke, Carey, Kaplan,  
Reboredo, Diaz de la Portilla,  
Millan*

4/29/97 Forwarded without a recommendation due to lack of quorum by the Policy Formulation and  
Internal Support Committee

7F2C

971319 Bid Awards

A.D.A. (AMERICANS WITH DISABILITIES ACT)  
IMPROVEMENTS - PACKAGE F, PROJECT NO. 610150  
(Public Works Department)

*Approved*

*Mover: Javier D. Souto*

*Seconder: Dennis C. Moss*

*Vote: 7- 0*

*Absent: Burke, Carey, Kaplan,  
Reboredo, Diaz de la Portilla,  
Millan*

5/1/97 Forwarded by the Infrastructure Environment & Development Committee  
There being no objection, the foregoing item was forwarded by the Committee to the Board of  
County Commissioners.

7F2D

971008 Bid Awards

CHARLES DEERING ESTATE, NEW CONSTRUCTION, 16701  
SW 72ND AVENUE, PROJECT NO. 96013 (Park & Recreation  
Department)

*Approved*

*Mayer: Javier D. Souto*

*Seconder: Dennis C. Moss*

*Vote: 7- 0*

*Absent: Burke, Carey, Kaplan,  
Reboredo, Diaz de la Portilla,  
Millan*

4/22/97 Forwarded with a favorable recommendation by the Tourism, Recreation and Culture  
Committee

AUTHORIZATION TO OCCUPY THE PROJECT SITE

Date: 6/30/97

Project Number: P & R 96013  
Project Name: Charles Deering Estate - New Construction

To: D. M. Construction of South Florida, Inc

Address: 7800 Red Road, Suite 207 E City: Miami

State: Florida Zip Code: 33143

**SUBMITTALS APPROVAL:** Your insurance and bonding submittals for the subject project have been reviewed and approved by GSA/Risk Management Division.

Approved: Sharon Moodley Date: 6/26/97

Sharon Moodley,  
Risk Management Specialist  
GSA/Risk Management Division

**AUTHORIZATION TO OCCUPY THE SITE:** You may occupy the project site as of 6/30/97, and proceed with the work. Your contract completion date is as stated in your NOTICE OF AWARD OF CONTRACT.

Submitted: [Signature] Date: 6/27/97

Project Manager Rep.

Approved: [Signature] Date: 6/30/97

Deputy Director  
Park and Recreation Department

**Distribution:**

Original: Contractor

cc: Contractor's Surety  
Consultant  
Park and Recreation Project Manager  
GSA/Risk Management Division  
Audit and Management Services



DOCUMENT 00840-AN  
NOTICE OF AWARD OF CONTRACT

Date: 5/15/97

Project Number: P & R 96013  
Project Name: Charles Deering Estate - New Construction

To: D.M. Construction of South Florida, Inc.  
Address: 7800 Red Road, Suite 207 E, Miami, FL 33143

A contract for this project was awarded to your firm by the county and became effective on May 16, 1997, for a Total Contract Amount of \$ 2,493,000.00, consisting of the Base Bid (including allowances) and Bid Alternate No(s). N/A.

As stated in the Contract Documents the Contract Time will begin 21 calendar days following the effective date of this Contract, that is June 6, 1997 and is required to be finished in 365 calendar days. Therefore, work must be substantially complete in accordance with the Contract Documents on or before June 6, 1998.

**AUTHORIZATION TO OCCUPY THE SITE**

Prior to occupying the project site you must execute two copies each of the enclosed Performance and Payment Bonds and Corporate Principal Certification, and submit the to the Project Manager for transmittal to GSA Risk Management Division, together with your Surety's Power of Attorney and required insurance submittals as specified in the Contract Documents. If your submittals are acceptable, you will be issued an "Authorization to Occupy the Project Site." A time extension will not be granted for delays caused by your failure to satisfy these requirements.

As required by the Contract Documents, within five (5) weeks after Contract Award, the Contractor shall submit a Construction Progress Schedule and Schedule of Values.

Prepared by: \_\_\_\_\_

Michael Yaskin  
Project Manager Rep.

Approved by: \_\_\_\_\_

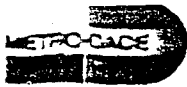
Silvia Unzueta, Deputy Director  
Park and Recreation Department

**Attachments:**

Surety Performance and Payment Bond (2)  
Corporate Principal Certification (2)

**Distribution:**

Original: D.M. Construction of South Florida, Inc., Contractor  
cc: Contractor's Surety  
Fullerton, Diaz Architects, Inc., Consultant  
Ivan Rodriguez, Director, Charles Deering Estate  
Audit and Management Services  
Finance ✓  
Art Coordinator  
G. A. Cutie, Director, Park and Recreation Department  
Department of Business Development



PARK & RECREATION DEPARTMENT

Phone# 533-2008 Fax# 533-20  
175 N.W. 1st Avenue, Suite 2031, Miami, FL. 3312

# BID TABULATION

Project Name: Charles Deering Estate

P&R PROJECT #: 96013

New Construction

Bid Opening Date: March 5, 1997

Consultant: Fullerton Diaz Architects, Inc.

Bids Valid Thru: September 5, 1997

Building Size <u>17,234</u> SQ.FT.	Latest Approved Cost Estimate Prior To Bidding	Contractor's Name, Address & Telephone Number				
		D.M. Construction of South Florida, Inc. 7800 Red Road, Miami, FL 33143 662-9368	Carivon Construction Company 12177 S.W. 131 Avenue Miami, FL 33186 232-9024	Cone Construction Inc. 6735 South Lois Ave. Tampa FL. 33616 582-2267	C.O.B.A.D. Construction Corporation 1301 West 68th Street Hialeah, FL 33014 558-9020	Vasallo Construction Inc. 61 Grand Canal Drive Miami, FL. 33144 266-7629
Base Bid	\$3,142,000	\$2,493,000	\$2,940,000	\$3,064,000	\$3,127,000	\$3,375,000
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Alt. #						

cc:

Prepared By: [Signature]  
Name and Title: Ivan A. Rodriguez, Director

## BID TABULATION

Project Name: Charles Deering Estate

P&R PROJECT #: 96013

## New Construction

Bid Opening Date: March 5, 1997

Consultant: Fullerton Diaz Architects, Inc.

Bios Valid Thru: September 5, 1997

[illegible]

Prepared By: Ivan A. Rodriguez  
Name and Title: Ivan A. Rodriguez, Director